

ADAMS, J.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

NORTH LAWRENCE VOLUNTEER FIRE)	
DEPARTMENT, INC.,)	CASE NO. 5:06CV2460
)	
Plaintiff,)	
)	<u>Judge John R. Adams</u>
v.)	
)	MEMORANDUM OPINION & ORDER
FYDA FREIGHTLINER, PITTSBURGH,)	[Resolving Doc. 20]
INC., <i>et al.</i>)	
)	
Defendants.)	

Before the Court is Plaintiff's Motion to Remand this matter to the state court from which it originated (Doc. 20). According to Plaintiff, this Court lacks subject matter jurisdiction because the amount in controversy is less than the statutory minimum of \$75,000.¹

Plaintiff disagrees with Defendants' estimation in its Notice of Removal that Plaintiff's negligence claim alone is in excess of \$92,000. Rather, Plaintiff claims that the proper reading of its Complaint shows that its negligence claim was valued around \$42,000. The Court agrees with Defendants.

A plain reading of Plaintiff's Complaint establishes that its negligence claim alone pleads damages in excess of the statutory minimum. As Defendants aptly note, Plaintiff seeks direct economic damages in excess of \$42,000 (due to property damage) and indirect economic damage in excess of \$50,000 (for mitigation expenses and lost profits). Thus, Plaintiffs negligence claim

¹ Plaintiff also claims that there is no true diversity among the litigants, but its motion does not address this argument.

alone pleads an amount in excess of the jurisdictional threshold. For that reason, and for the additional reasons stated in Defendants' Response to Plaintiff's Motion for Remand, the Court denies Plaintiff's motion.

IT IS SO ORDERED.

January 22, 2006
Date

s/John R. Adams
John R. Adams
U.S. District Judge